

Testimony from Allie Phillips, Attorney

Submitted to the Michigan House Criminal Justice Committee

Regarding HB 5670

Date: September 20, 2016

My name is Allie Phillips and I am a resident of Lansing. I am a former Ingham County Assistant Prosecutor, Founder of Sheltering Animals & Families Together (SAF-T) which is a global initiative working with domestic violence shelters to build on-site pet accommodations for families fleeing violence. I am the founder and former director of the National Center for Prosecution of Animal Abuse and former Director of the National Center for Prosecution of Child Abuse at the National District Attorneys Association. I'm internationally recognized as an expert on the documented link between violence to animals and people and have spent the last 13 years of my career training prosecutor, law enforcement, human and animal protection professionals on the co-occurrence of animal abuse, child abuse, domestic violence and elder abuse, and providing legislative testimony on this important societal issue.

I support the concept of HB 5670 and offer my assistance to consider strengthening this bill to committing animal abuse and neglect in the presence of a minor as a felony as a means of giving prosecuting attorneys, law enforcement, and child protection professionals the tools to help families with co-occurring animal abuse and family violence.

Legislation like HB 5670 needed due to a growing body of research that documents when children are exposed to violence against animals, especially family companion animals, they are more likely to grow into violent offenders.

Animal abuse is more prevalent in homes that experience child abuse and domestic violence (Ascione & Shapiro, 2009; Ascione, 2007). Family pets are often targets of threats, harm and killing to "emotionally blackmail" and coerce human victims to comply with and remain silent about abuse (Arkow, 2014).

Other states have passed similar legislation that has provided enhanced penalties when animal abuse is committed in front of a minor. For example:

- Children present at an animal fighting event
 - 7 USC 2156
 - Cal. Penal. Code 310 (Misdemeanor)
 - 720 Ill Comp Stat 5/48-1 (Felony)
 - Va. Code 3-2-6571 (Felony)
- Animal torture committed in the presence of child
 - Idaho Code 18-1506A (Felony)
 - IL St. Ch 720 5/12-33 (Felony)

- La. Rev. Stat. 14:107-1 (Felony)
- Animal abuse committed in front of a child
 - Ind. Code 35-46-3-12 & 12.5 (Misdemeanor)
 - 510 ILCS 70/3.01 (Misdemeanor)
 - Or. St. 167.320 (abuse), 325 (neglect) & 330 (neglect) (Felony)
 - Wash. Rev. Code 16.52.205 (Felony)
 - PR St. T. 5 1668, 1669, 1670 (Felony)
- Forcing a child to commit bestiality or committing bestiality in front of child
 - Fla. Stat. 800.04 (Felony)
 - Wash. Rev. Code 16.52.205 (Felony)

A newly-published study from this year has looked at the impact of poly-victimization among children in homes marked by intimate partner violence (IPV) and has found exposure to animal abuse to be a particularly significant concern and a risk factor predictive of childhood behavioral problems. This study examined profiles of adjustment in an ethnically diverse sample of 291 school-age children recruited from community-based domestic violence services. Six domains of children's adjustment were examined: social problems, attention problems, internalizing behavior, externalizing behavior, empathy, and callous/unemotional traits. Many variables were analyzed to determine children's levels of resiliency, struggling and severe maladjustment. The study found that exposure to concomitant animal cruelty was found to be significant and predictive. Results supported the hypothesis that exposure to animal cruelty would distinguish between resilient and maladjusted profiles. Children who were exposed to animal abuse were 3.26 times more likely to be in the struggling group and 5.72 times more likely to be in the severe problems group compared to the reference group of resilient children. (McDonald et al, 2016)

A 2009 study focusing on the interconnection between animal cruelty, child abuse and domestic violence found that witnessing animal cruelty was the largest predictor of future violence by the witness who was more than eight times more likely to become a perpetrator of violence. (DeGue & DeLillo, 2009) And a study from 2003 found that up to 76% of animal cruelty in the home occurs in front of children (Faver & Strand, 2003).

In recent years there has been a shift in focus by law enforcement to look at animal abusers. In 2016, for the first time the FBI added several animal abuse crimes to the National Incident Based Reporting System. And the National Sheriffs' Association launched the National Law Enforcement Center on Animal Abuse as a training tool for law enforcement and in recognition of the problematic link between animal abuse and family violence. One of the strongest studies addressing this shift covered a seven-year period in 11 different site locations and looked at factors that initiate battering behavior. While the study did not set out to focus on animal abuse, the results showed that animal abuse was a significant variable and was one of only four factors associated with becoming a batterer (Walton-Moss, et al., 2005).

However, this information is not new. One of the first studies found that animal abuse was present in 60% of households being investigated for child abuse, and in 88% of homes investigated for physical child abuse. One-third of the animal abuse incidents in the study were perpetrated by children. (DeViney, Dickert & Lockwood, 1983)

Additional research studies have documented the following findings:

- A 1998 study found that 32% of children who sought shelter with their mothers had hurt or killed their family pet (Ascione, 1998)
- A 2007 study found that 67% of children residing in a family violence shelter reported witnessing abuse of their family pet, and 37% of the shelter children progressed to harming or killing pets (Ascione, 2007)
- A 2011 study found a connection between a child witnessing animal abuse and subsequently engaging in animal abuse and bullying behavior (Gullone, 2011)
- A 2014 study found that children are at greater risk of abusing animals when they witness animal abuse in the home because they are learning controlling and punitive behaviors and poor modeling of the proper treatment of animals (McEwen et al, 2014)
- Forty-three percent of school shooters have histories of animal cruelty. (Arluke & Madfis, 2013)
- And 24% of children in homes marked by intimate partner violence reported that someone in the home had either threatened to, and/or saw or heard someone, kill or harm an animal. (McDonald, Collins et al., 2015)

A few of the benefits of a statute that would criminalize animal abuse committed in the presence of a minor are:

- A legal recognition that when animal abuse is committed in front of a minor it can have a detrimental impact on that child;
- An earlier awareness of family violence may surface during a report to law enforcement;
- Children exposed to animal abuse will receive the intervention and possible treatment necessary to stop the cycle of violence in their life and potentially prevent future violent actions;
- Offenders will be held accountable for targeting companion animals which is often done as a tactic to gain silence and compliance from human victims;
- And prosecutors, probation agents and judges will be more informed about the actions of violent offenders targeting animals.

A bill like HB 5670 that recognizes harm to animals in the presence of a child as harm to the child is a positive step forward in preventing violence in the home and protecting communities.

Sincerely,

A handwritten signature in cursive script that reads "Allie Phillips".

Allie Phillips, Esq.

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